

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

NICHOLAS COSTELLO,

Plaintiff,

vs.

NEBRASKA DEPARTMENT OF  
CORRECTIONS, ERICA ADEYEMI, Official  
capacity; ROB JEFFREYS, Official capacity;  
and JOSEPH NESAIEF, Official capacity;

Defendants.

**8:24CV100**

**MEMORANDUM AND ORDER**

On July 15, 2024, the Court ordered Plaintiff to file a signed Motion for Leave to Proceed in Forma Pauperis ("IFP") within 30 days or face dismissal of this action. [Filing No. 7](#). To date, Plaintiff has not submitted a signed IFP Motion or taken any other action in this matter.

IT IS THEREFORE ORDERED that: This matter is dismissed without prejudice because Plaintiff failed to prosecute it diligently and failed to comply with this Court's orders. Plaintiff's pending IFP Motion, [Filing No. 2](#), is denied as moot. The Court will enter judgment by a separate document.

Dated this 30th day of August, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon  
Senior United States District Judge